

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

Case No. 05-80722-2

BRYAN KILLIAN,
Defendant.

Honorable Patrick J. Duggan

OPINION AND ORDER

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on September 10, 2009.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

Bryan Killian (“Defendant”), a federal prisoner currently incarcerated at the Federal Correctional Institution in Milan, Michigan, filed a pro se motion under 28 U.S.C. § 2255 challenging the length of his sentence. In the motion, Defendant specifically challenges the calculation of his criminal history category under the sentencing guidelines. The government opposes the motion.

On March 12, 2007, Defendant pleaded guilty to a count of conspiring to distribute cocaine pursuant to a Rule 11 plea agreement. *See* Fed. R. Crim. P. 11. On July 9, 2008, this Court sentenced Defendant to 168 months in prison. On July 9, 2009, Defendant filed the present motion challenging his sentence. Using a standard form to present his claims, Defendant’s motion contains the following complaint regarding his sentence:

Ground One: Counsel was ineffective for not making an objection to erroneous applications of sentencing guidelines 4A1.1(c) and

4A1.2(c)(1).

Supporting FACTS (tell your story *briefly* without citing cases or law [sic]: Sentencing guidelines which were imposed resulted to [sic] an erroneous application of 4A1.1(c) and 4A1.2(c)(1).

(Def.'s Mot. at 4.) Defendant provides no further explanation of this claim and presents no other grounds for relief.

In bringing the present motion, Defendant is required, among other things, to “specify all the grounds for relief” and “state the facts supporting each ground.” Rules Governing Section 2255 Proceedings 2(b). It is not this Court’s function to craft Defendant’s arguments for him. *See United States v. Phibbs*, 999 F.2d 1053, 1080 n.12 (6th Cir. 1993); *see also United States v. Dunkel*, 927 F.2d 955, 956 (7th Cir.1991) (“Judges are not like pigs, hunting for truffles buried in briefs.”). Having reviewed Defendant’s motion, Defendant’s presentencing report, and the relevant sentencing guidelines, the Court has been unable to identify any errors that would justify the requested relief. Therefore, Defendant’s motion must be denied.

Accordingly,

IT IS ORDERED that Defendant’s 28 U.S.C. § 2255 Motion is **DENIED**.

A judgment consistent with this opinion shall issue.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
Bryan Killian #40352-039
FCI Milan
P.O. Box 1000
Milan, MI 48160
Ronald Waterstreet, AUSA